

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In the Matter of R.K., by and through her)
mother and next friend, J.K., and W.S., by)
and through her mother and next friend, M.S.,)
on behalf of those similarly situated,)

Plaintiffs,)

v.)

GOVERNOR BILL LEE, in his official)
Capacity as GOVERNOR OF TENNESSEE,)
WILLIAMSON COUNTY BOARD OF)
EDUCATION, and FRANKLIN SPECIAL)
SCHOOL DISTRICT,)

Defendants.)

Case No. 3:21-cv-00725

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Jeffery S. Frensley

**FRANKLIN SPECIAL SCHOOL DISTRICT’S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Comes the Defendant, Franklin Special School District (hereinafter, “FSSD”) and submits this Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). The enactment of the COVID Act, Tenn. Code Ann. §§ 14-1-101 – 14-6-104, and the termination of Executive Order No. 84 render Plaintiffs’ claims against FSSD moot, thereby extinguishing this Court’s subject matter jurisdiction over the case.

Because there no longer exists a live case or controversy for the Court to adjudicate, FSSD respectfully requests that the Court dismiss Plaintiffs’ claims against FSSD for lack of subject matter jurisdiction. Pursuant to LR 7.01(a)(2), a memorandum of law in support of this Motion to Dismiss is filed simultaneously.

Respectfully submitted,

FOR THE FRANKLIN SPECIAL SCHOOL
DISTRICT

LEWIS THOMASON, P.C.

/s/ Charles W. Cagle

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of January 2022 a true and correct copy of the foregoing Response to Plaintiffs' Motion for Attorneys' Fees and Costs was electronically filed utilizing the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Charles W. Cagle

Charles W. Cagle, Esq. (BPR #13738)